

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

William Marsh,
Plaintiff

vs

Cincinnati Bell,
Defendant

Case No. C-1-08cv23
(Weber, J.)
(Hogan, M.J.)

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion requesting dismissal of his action. (Doc. 11). To date, Defendant has filed no response to Plaintiff's motion.

In his motion, Plaintiff states he "cannot afford the cost or time off work to continue with [his] case." (Doc. 11). The Court construes Plaintiff's motion as one for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2).

Fed.R.Civ.P. 41(a)(2) provides in pertinent part:

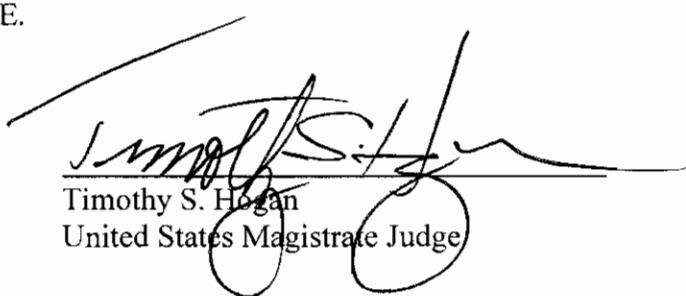
Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. . . . Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

Defendant has offered no reason as to why Plaintiff's motion should not be granted. As such, we find that Plaintiff's motion should be granted.

IT IS THEREFORE RECOMMENDED THAT:

- 1) Plaintiff's Motion to Dismiss (Doc. 22) be GRANTED and Plaintiff's Complaint be DISMISSED WITH PREJUDICE.

Date: 4/28/08


Timothy S. Hogan
United States Magistrate Judge

**NOTICE TO THE PARTIES REGARDING THE FILING
OF OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten (10) days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen (13) days (excluding intervening Saturdays, Sundays, and legal holidays) in the event this Report is served by mail, and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation are based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

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